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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

.....
KEITH I. SCHORR and . No. 1:01-CV-0930
SUSAN SCHORR, .
Plaintiffs . Judge Kane
vs. .
BOROUGH OF LEMOYNE, .
BOROUGH OF WORMLEYSBURG, .
WEST SHORE REGIONAL POLICE .
DEPARTMENT, HOWARD DOUGHERTY, .
CHIEF WEST SHORE REGIONAL .
POLICE DEPARTMENT, CUMBERLAND .
COUNTY, HOLY SPIRIT HOSPITAL, .
Defendants .
.....

Deposition of : MERCEDES BRISCESE
Taken by : Defendants
Date : October 9, 2002, 10:20 a.m.
Place : 210 Senate Avenue
Camp Hill, Pennsylvania
Before : Debra L. Heary, Notary Public
Registered Professional Reporter

APPEARANCES

WILLIAMS, CUKER & BEREZOFSKY
By: GERALD J. WILLIAMS, ESQ.

For - Plaintiffs

MONTGOMERY, McCRACKEN, WALKER & RHOADS, LLP
By: GREGORY HAUCK, ESQ.

For - Defendants West Shore Regional
Police Department, Howard Dougherty,
Chief West Shore Regional Police
Department

METTE, EVANS & WOODSIDE
By: JOHN F. YANINEK, ESQ.

For - Defendants Cumberland County and
Holy Spirit Hospital

ALSO PRESENT

Fran Charney, RN, Director Risk Management

I N D E X
WITNESS

MERCEDES BRISCESE

Examination

By Mr. Williams

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By Mr. Hauck

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STIPULATION

It is hereby stipulated by and between counsel for the respective parties that sealing, certification and filing are hereby waived; and all objections except as to the form of the question are reserved to the time of trial.

MERCEDES BRISCESE, called as a witness, being duly sworn, testified as follows:

MR. YANINEK: Usual stipulations?

MR. WILLIAMS: Fine.

EXAMINATION

BY MR. WILLIAMS:

Q. Mrs. Briscese, my name is Gerry Williams. I represent Ryan Schorr in this case, which as you may know has been filed against Holy Spirit and some other entities in connection with Ryan Schorr's death.

I'm going to ask you some questions about some events that we think are relevant that you may have some knowledge about or may have participated in to some degree.

And my questions and anybody else's questions and your answers are altogether a deposition being taken down by the court

Exam./Williams - Briscese

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1 reporter. Have you ever given a deposition
2 before?

3 A. Yes.

4 Q. Okay. So I won't bother you too much with the
5 rules. I'll just tell you, we're sitting
6 across a small table so you can probably hear
7 me. But if you can't, let me know and I'll
8 speak louder.

9 If you don't understand one of my
10 questions, let me know and I will try to ask a
11 better question because we want you to give
12 answers that you mean to give to questions that
13 you understand. Do you understand that?

14 A. Yes.

15 Q. And as you've done so far, you should give all
16 your answers in words not nods or gestures even
17 though we're talking to each other across the
18 table. And that's because the court reporter
19 has to take it down. Okay?

20 A. Okay.

21 Q. And as I told you before the deposition, I
22 expect that yours will be very short. But even
23 so, if you want to take a break or talk to
24 counsel or stop for any reason, if you let me
25 know, we'll accommodate you. Okay?

Exam./Williams - Briscese

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1 A. Yes.

2 Q. And last thing, which is more important in my
3 case sometimes than in others, some lawyer's
4 questions can be very long and you might
5 anticipate what they are and you might have an
6 urge to start your answer before the question
7 is finished.

8 Try not to do that so that we're not
9 talking over each other and the record becomes
10 confused. Okay?

11 A. Yes.

12 Q. Now, ma'am, are you still employed by Holy
13 Spirit Hospital?

14 A. Yes.

15 Q. In what capacity?

16 A. Part time as a Crisis worker.

17 Q. And did you have that same job back in November
18 of 2000?

19 A. Yes.

20 Q. And was it also part time at that point?

21 A. Yes.

22 Q. And, I guess, flesh out for me a little bit
23 what part time means, how frequently do you
24 work typically?

25 A. Every other weekend and PRN.

Exam./Williams - Briscese

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1 Q. And "PRN" means as needed?

2 A. Correct.

3 Q. And when you are needed on that basis, you're
4 called in by someone?

5 A. Correct.

6 Q. And who typically calls you in?

7 A. Usually the worker on that shift.

8 Q. As I told you-- Well, first of all, when you
9 say "the worker", you mean the Crisis
10 Intervention worker?

11 A. Correct.

12 Q. As I told you, this deposition involves Ryan
13 Schorr. As you sit here today, do you have an
14 independent recollection of Ryan Schorr?

15 A. Yes.

16 Q. And when you had, assuming that you did, any
17 dealings with Ryan Schorr, was it on a weekend
18 shift?

19 A. Yes.

20 Q. And so it was your regularly scheduled shift?

21 A. Yes.

22 Q. Before I ask you about the events of that day,
23 can you tell me a little bit more about your
24 educational background? How do you qualify to
25 be a Crisis Intervention worker?

Exam./Williams - Briscese

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1 A. I have my master's in counseling, and I also
2 have experience in counseling.

3 Q. And just very briefly, describe for me the
4 experience.

5 A. I've worked with children, Capable Adolescent
6 Mothers Program in New Jersey, also worked with
7 Superior Court working with both adults and
8 juveniles and having to counsel there.

9 Q. And when did you obtain your master's degree?

10 A. '82.

11 Q. And from where?

12 A. Trenton State.

13 Q. And how long have you worked for Holy Spirit
14 altogether?

15 A. Two years and a few months.

16 Q. All right. So I guess is it accurate to say
17 that at the time you encountered Ryan Schorr,
18 you had been at Holy Spirit for a few months?

19 A. About a year.

20 Q. All right. Fair enough. When you came to Holy
21 Spirit itself, did you receive any training at
22 the hospital -- additional training?

23 A. Yes.

24 Q. What did you receive?

25 A. I was trained by the other Crisis workers as

Exam./Williams - Briscese

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1 well as the supervisor in the procedures of a
2 Crisis worker, given manuals to read.

3 Q. Were you trained by a particular person or
4 group of people?

5 A. Several Crisis workers as well as a supervisor.

6 Q. Fine. And I'm not asking you to cite chapter
7 and verse, but can you tell me what manuals or
8 kinds of manuals you reviewed?

9 A. Just the procedure manual for Crisis mental
10 health, the hospital manual is mandatory for
11 all workers for procedures of the hospital.

12 Q. Now, can you give me an overview of what
13 dealings you had with Ryan Schorr in November
14 of 2000?

15 A. With Ryan himself, just in passing.

16 Q. Well, maybe give me the overview for what I'll
17 call the Ryan Schorr case. What participation
18 did you have in the evaluation or treatment of
19 Ryan Schorr?

20 A. Okay. How I got involved?

21 Q. Yes. That's a good place to start.

22 A. I was contacted by the emergency room that
23 there was a woman who wanted to talk to someone
24 from Crisis about her son. I went into the
25 waiting area of the emergency room and met with

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1 Mrs. Schorr plus Ryan's roommate.

2 Mrs. Schorr was very upset and very
3 concerned about her son stating that he is
4 Bipolar and that he's had prior encounters with
5 mental health facilities, institutions, and
6 that she believes that he was not taking his
7 medication and that he was going off in that
8 and she wanted to file an involuntary placement
9 -- a 302.

10 Q. Let me just interrupt you briefly. First of
11 all, when you had this conversation with Mrs.
12 Schorr, Ryan Schorr was not at the facility.
13 Correct?

14 A. Correct.

15 Q. And when she told you that she was -- she
16 thought or was worried that Ryan was "going
17 off", are you referring to his medication or
18 something else?

19 A. Both that he was going off his medication and
20 that he was acting peculiar.

21 Q. And did she give you any particular examples of
22 this peculiar behavior?

23 A. I can't recall what she said exactly about his
24 behavior. The only thing I can remember is
25 what she was telling me was not 302-able

Exam./Williams - Briscese

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1 because it was kind of hearsay from what other
2 people were telling her.

3 And I said for a 302 to go through, it has
4 to be the person actually observing the
5 behavior within that 30-day period.

6 Q. All right. And again, for the record, when you
7 say "302-able" and "302", you're referring to a
8 section of the law dealing with involuntary
9 commitment?

10 A. Correct.

11 Q. So you advised Mrs. Schorr that what she was
12 describing, since she hadn't seen it, couldn't
13 be the basis for a 302 petition. Is that
14 accurate?

15 A. Exactly.

16 Q. Then what happened?

17 A. Then the roommate, Ryan's roommate stated that
18 -- she had introduced -- Mrs. Schorr introduced
19 Ryan's roommate -- which I can't recall his
20 name again -- stating that he was the person
21 who was telling her some of the things that
22 were going on.

23 So I addressed him. And he said that his
24 roommate had become scary to him, that he had
25 pushed him, and he was fearful to stay in the

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1 same place with Ryan and he left. And that's
2 what his biggest concern was was that Ryan had
3 come after him.

4 Q. And we know that roommate's first name to be
5 Matthew, so I'll refer to him as Matthew.

6 A. Thank you.

7 Q. Did you respond to Matthew, or what did you say
8 to Matthew, if anything?

9 A. Well, I questioned him. I said, well, would
10 you like to then file the 302, write down what
11 you're telling me in exact detail? And I told
12 him what the procedure of a 302 is.

13 He was also concerned that Ryan wouldn't
14 know that he would be the one filing the 302.
15 I said, I can't guarantee that, because
16 sometimes if something goes forward, if the
17 patient decides he wants to-- You know, I
18 said, but we're not going to tell him who did
19 it. That's confidential.

20 Q. And so did he then agree to complete the 302
21 paperwork?

22 A. Yes, he did. And he did.

23 Q. With you? I mean, you helped him do the 302
24 paperwork? Or tell me how that process worked.

25 A. I opened up the sheets. I explained each sheet

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1 to him, walked him through a little bit. Then
2 for the paragraph part, I said, just be as
3 detail oriented as you can, and it has to fall
4 within the 30-day guideline.

5 So whatever you saw within those 30 days,
6 just write it. Because we really can't prompt
7 them with what to write. And he did so and
8 then handed me the 302 at which time I went and
9 called up the delegate and informed the
10 delegate what was going on.

11 Q. All right. Let me backtrack you just a little
12 bit. When you refer to "the paragraph part",
13 you're talking about the part where the
14 petitioner describes the behavior--

15 A. Correct.

16 Q. --that is the basis of the 302 petition.
17 Correct?

18 A. Correct.

19 Q. And when you say you gave the completed
20 paperwork to "the delegate"--

21 A. No, I didn't give the completed paperwork to
22 the delegate, I called up the delegate and--

23 Q. Okay. First of all, who is "the delegate" or
24 what is "the delegate"?

25 A. Okay. I don't remember who the delegate was at

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1 the time. They switch off. Was it-- I can't
2 remember who the delegate was at the time. The
3 delegate is the person who we call up to
4 determine whether the petition is valid or not.

5 Q. Now, does the delegate work for the county or
6 the hospital or some other entity?

7 A. The county.

8 Q. So tell me what you recall about your telephone
9 call to the delegate, whoever it was.

10 A. What I did was I informed, just like what I'm
11 telling you, what the mother had said, what the
12 roommate had said, and read what the roommate
13 had written to the delegate.

14 Q. And what did that person say to you, if
15 anything?

16 A. That he would agree to a 302 and would come in
17 and sign for the warrant for Ryan to be picked
18 up.

19 Q. And is that the procedure? Is that what
20 happens, the delegates comes and signs a--

21 A. Sometimes if it's a real emergency where it has
22 to be right then and there, the delegate can't
23 come. It has been where the delegate says over
24 the phone to do this and get the procedure
25 going and then they come and sign it.

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1 And I can't remember if that's what
2 happened at that point where the delegate
3 actually came and signed within that 30-minute
4 time frame or I don't remember.

5 Q. The alternative is the delegate can authorize
6 somebody at the hospital to sign?

7 A. Just yes, that it's okay, call up the police,
8 and I'll come in and sign the warrant. And the
9 police can--

10 Q. I understand. All right. So after however it
11 was accomplished, you received this approval
12 from the delegate, what did you do next?

13 A. At that point, I went back to the parent and
14 the roommate and informed them that the
15 delegate did approve for the 302 and that if
16 they wanted to they could go home because it
17 would take time for the police to have to go
18 and pick up -- and if they possibly knew where
19 Ryan was so that they would have a basis.

20 Q. Did they give you any information?

21 A. I don't remember.

22 Q. That's fine. And then Mrs. Schorr and Matthew
23 left?

24 A. Correct.

25 Q. Did that end your involvement in the Ryan

1 Schorr case, or did you have some further
2 involvement?

3 A. What I did was to write up some notes for the
4 other person coming in, because it was soon to
5 be my shift ending and the other Crisis worker
6 was going to come in.

7 So the only other involvement was to
8 inform the other Crisis worker that was coming
9 what had transpired and to prepare her for if
10 he comes in on her shift.

11 Q. And do you recall, was the other Crisis worker
12 Candice Highfield?

13 A. Correct.

14 Q. And what, if anything, do you recall telling
15 Ms. Highfield about the Ryan Schorr case?

16 A. What I had just told you and also that the
17 mother said that Ryan had been placed in
18 another facility, in Edgewater, and that he had
19 a very negative experience.

20 So they were really hoping that he could
21 get into our facility, because we can't
22 guarantee if they're going to come to Holy
23 Spirit or not depending upon beds and whether
24 he needs to have a secure bed or not. And we
25 couldn't determine that yet not having met with

1 Ryan.

2 And I told her that she believed that as
3 soon as Ryan would come into the hospital, he
4 would be not upset -- he would want to come in
5 the hospital. And he would act accordingly,
6 and he wouldn't be any trouble.

7 Q. Just so I'm clear, Mrs. Schorr suggested that
8 once Ryan got there he would be okay?

9 A. Yes.

10 Q. But she expressed the hope that Edgewater could
11 be avoided?

12 A. Yes.

13 Q. Had she told you anything else about any prior
14 psychiatric or mental health treatment that
15 Ryan had received?

16 A. Well, the fact that he was at Edgewater and
17 that she said that he was Bipolar and off his
18 medication.

19 Q. Right. Besides the Edgewater experience and
20 his condition, did she tell you anything else?

21 A. Not that I can recall.

22 Q. All right. So at the time you talked to
23 Candice Highfield, your shift had ended or was
24 coming to an end?

25 A. Yes.

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1 Q. And then you left the hospital, I assume, at
2 the end of your shift?

3 A. We received a call that Ryan was coming in.
4 The police had picked him up. And so just as I
5 was leaving -- and Candice was walking with me
6 -- the police were there with Ryan. So I just
7 kind of in passing saw--

8 Q. Did you speak with Ryan at all?

9 A. No.

10 Q. What, if anything, do you recall observing
11 about Ryan?

12 A. It's difficult to say because the police
13 officer was in front and Ryan was in the back.
14 And so all I saw was really, like, the tip of
15 Ryan's head. And that's all I can recall.

16 Q. He wasn't saying anything or making any noises?

17 A. No, he was pretty calm.

18 Q. And I think we know the answer to this, but
19 I'll ask you if you observed it. Was he in
20 handcuffs or anything?

21 A. I couldn't tell because all I could see was,
22 like, the tip of his head.

23 Q. All right. That's fine. Now, did you see Ryan
24 Schorr again?

25 A. No.

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- 1 Q. Did you have any later conversations with
2 anybody from the hospital about Ryan Schorr
3 after that?
- 4 A. Yes.
- 5 Q. And what conversations did you have?
- 6 A. Just about what had transpired.
- 7 Q. Who did you have these conversations with?
- 8 A. Rita.
- 9 Q. Who is Rita?
- 10 A. Another Crisis worker.
- 11 Q. Do you know her last name?
- 12 A. It just slipped my mind.
- 13 Q. That's fine. Who else?
- 14 A. Candice again.
- 15 Q. Okay.
- 16 A. And that's it.
- 17 Q. These conversations with Rita and Candice, when
18 did they occur in relation to Ryan Schorr's
19 death?
- 20 A. It was after the newspapers and, you know, the
21 news had put it out. And we were just saying
22 what a tragedy.
- 23 Q. So within hours or a day or so of the death, is
24 that when you would have had these
25 conversations?

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1 A. Let me see, I don't remember the time frame.

2 Q. Okay. That's fair enough. Did either woman
3 tell you anything specific about any experience
4 she had had with Ryan Schorr?

5 A. Just Candice.

6 Q. And what did Candice tell you?

7 A. That it just surprised her what had happened.

8 Q. And what was she, if you know, referring to
9 when she said when "it" happened? What did you
10 understand that to mean?

11 A. Well, she had just said that Ryan didn't show
12 any indication that he was going to be
13 aggressive. And when she opened the door, he
14 pushed her. And that was it.

15 Q. All right. And how about Rita, had she--

16 A. No. It was just to show me -- because it was
17 on the news, and she was showing me the news.

18 Q. I understand. Okay. Conversations with anyone
19 else from the hospital about Ryan Schorr?

20 A. Within, like, that time frame of a few weeks
21 afterwards?

22 Q. Yes.

23 A. No.

24 Q. Were you asked to prepare a report or an
25 incident report about this situation?

1 A. Not that I can recall.

2 Q. All right. How about conversations with people
3 other than people from the hospital -- I don't
4 mean anyone in the universe -- I mean, for
5 example, with the police or anyone from
6 Cumberland County?

7 A. No.

8 Q. That's all the questions I have. Thank you.

9 EXAMINATION

10 BY MR. HAUCK:

11 Q. Hi, Mrs. Briscese. My name is Greg Hauck, and
12 I represent the West Shore Regional Police
13 Department in this case.

14 I'd like to take you back for a second to
15 when you were talking with Mrs. Schorr and Matt
16 when they first came into the emergency room.

17 Can you remember what Matt told you about
18 Ryan's behavior in that, I guess-- Can you
19 remember what Matt told you about how Ryan had
20 been acting in the last 30 days?

21 A. In the last 30 days -- only in the shorter time
22 frame. He was giving just in that particular
23 evening that Ryan was agitated and had pushed
24 him and he was fearful about going back in the
25 apartment.

1 I recall something about a broken window.
2 I think he said Ryan had broken the window. He
3 also said that he had made some threatening
4 phone calls to his mother -- not Matt's mother,
5 Ryan's mother.

6 But I can't recall if he was telling me
7 prior to that whether his behavior had been
8 agitated, you know, for the last couple weeks
9 or anything.

10 Q. Did he tell you about Ryan's behavior just in
11 the last 30 days or did he go beyond the 30-day
12 period?

13 A. No, it was up to that point.

14 Q. So it was just in the last 30 days?

15 A. Correct.

16 Q. Do you remember what he told you about him
17 being pushed?

18 A. Yeah. I just remember him saying that's why he
19 left because Ryan wanted to get into an
20 argument with him and got a little bit loud and
21 that Ryan pushed him. And he just left because
22 he didn't want to get into it with Ryan.

23 Q. Was he afraid that there could be violence?

24 A. That was his terminology was that, I'm afraid
25 to go back because I don't know what Ryan's

1 going to do.

2 Q. All right. What did he tell you about the
3 phone calls with his mother?

4 A. This was-- The mother had made mention of
5 that. So I don't know if Matt was just saying
6 yes, he has been making these phone calls
7 because Ryan's mom was telling me about this or
8 that he had heard.

9 So that I can't remember whether it was
10 Matt saying, I heard him making these phone
11 calls to his mother, or Matt saying to me, his
12 mother is telling me he is also making
13 threatening phone calls, too.

14 Q. What was your understanding about what was said
15 during the phone calls?

16 A. I don't remember.

17 Q. Did he explain to you-- You also mentioned
18 that he said there had been a broken window?

19 A. Yes.

20 Q. Did he tell you how the window had been broken?

21 A. He might have, and I can't remember that.

22 Q. Is there anything else you can remember that
23 Matt told you about Ryan's behavior?

24 A. Just that he believes he was off his medication
25 also and that he was just very concerned for

1 him because he didn't know if he was going to
2 hurt himself or hurt him -- hurt Matt.

3 Q. Did Matt indicate that he was hurt when Ryan
4 pushed him?

5 A. No.

6 Q. But it was just that he was afraid that it
7 could have escalated?

8 A. Correct.

9 Q. Do you remember what Mrs. Schorr told you about
10 Ryan's behavior?

11 A. She was basically telling me about the past --
12 a little bit of Ryan's past behavior when he's
13 off medication and that he had to be
14 institutionalized because of behavior.

15 And that's why I was informing her that
16 past behavior like that that's already been
17 treated is not 302-able stuff. And him just
18 being off his medication is not a 302-able
19 cause for him to be involuntarily placed
20 somewhere. It would have to be more of his
21 behavior.

22 And she couldn't really pinpoint-- From
23 what I remember, she couldn't really pinpoint
24 behaviors. It was more she said, it's just a
25 mother's intuition knowing that if he doesn't

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1 get some help that something's going to happen.

2 And that's what I really recall, you know,
3 her saying that it's a mom's thing knowing
4 that, you know, something's going to happen if
5 he doesn't get some help.

6 Q. Did she tell you about any violent behavior
7 that he'd exhibited in the past?

8 A. I don't remember that.

9 Q. When you said that you had called "the
10 delegate", would you mind spelling that?

11 A. Delegate?

12 Q. Yes.

13 A. D-e-l-e-g-a-t-e.

14 Q. Delegate. Is that an official title of
15 someone?

16 A. I think this individual actually has another
17 title. But the delegate decides in instances
18 such as this whether something should be
19 validated or not, especially after hours.
20 They're on call.

21 Q. Do you know, are they an elected official?

22 A. No, I don't.

23 Q. Now, you had mentioned that at the time Ryan
24 Schorr came into the hospital, it was toward
25 the end of your shift; is that right?

1 A. Yes.

2 Q. And did you say that you had written some notes
3 so that the people that were coming in the next
4 shift would know what had happened?

5 A. Just quick notes, chronological order, you
6 know, so that they would have a point of
7 reference to go back. If the police called,
8 the person would have a point of reference of
9 what happened since she wasn't there.

10 Q. Do you know where those notes are now?

11 A. No. A lot of times what we'll do with those
12 notes is they will just be discarded. They're
13 not even full sentences half the time, just
14 quick jots down.

15 And then we would go over with the person
16 we're changing shifts what's happening. And
17 these, like, one words or two words would just
18 jar their memory of what's going on.

19 Q. What are these types of notes written on
20 typically, just like a piece of loose-leaf?

21 A. Legal pad like what you have in front of you.

22 Q. I don't have any more questions.

23 MR. YANINEK: I don't have any questions.

24 MR. WILLIAMS: Okay. Thank you.

25 (The proceedings concluded at 10:47 a.m.)

COMMONWEALTH OF PENNSYLVANIA :
 : SS
 COUNTY OF DAUPHIN :

I, Debra L. Heary, Reporter and Notary Public in and for the Commonwealth of Pennsylvania and County of Dauphin, do hereby certify that the foregoing deposition was taken before me at the time and place hereinbefore set forth, and that it is the testimony of:

MERCEDES BRISCESE

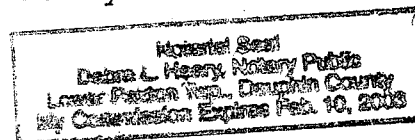
I further certify that said witness was by me duly sworn to testify the whole and complete truth in said cause; that the testimony then given was reported by me stenographically, and subsequently transcribed under my direction and supervision; and that the foregoing is a full, true and correct transcript of my original shorthand notes.

I further certify that I am not counsel for or related to any of the parties to the foregoing cause, or employed by them or their attorneys, and am not interested in the subject matter or outcome thereof.

Dated at Harrisburg, Pennsylvania this 18th day of October, 2002.

Debra L. Heary

Debra L. Heary
 Registered Professional Reporter
 Notary Public



(The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or supervision of the certifying reporter.)

1	avoided 17:11	clear 17:7	E	13:23; 21:16
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2	back 6:17; 15:13; 18:13; 21:14, 24; 22:25; 26:7	commitment 11:9	educational 7:24	follows 4:9
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KEITH I. SCHORR and . No. 1:01-CV-0930
SUSAN SCHORR, .
Plaintiffs . Judge Kane

vs.

BOROUGH OF LEMOYNE,
BOROUGH OF WORMLEYSBURG,
WEST SHORE REGIONAL POLICE
DEPARTMENT, HOWARD DOUGHERTY,
CHIEF WEST SHORE REGIONAL
POLICE DEPARTMENT, CUMBERLAND
COUNTY, HOLY SPIRIT HOSPITAL,
Defendants

Deposition of : CHARLES STERLING

Taken by : Defendants

Date : August 30, 2002, 10:38 a.m.

Place : 210 Senate Avenue
Camp Hill, Pennsylvania

Before : Debra L. Heary, Notary Public
Registered Professional Reporter

APPEARANCES

WILLIAMS, CUKER & BEREZOFSKY
By: GERALD J. WILLIAMS, ESQ.

For - Plaintiffs

MONTGOMERY, McCRACKEN, WALKER & RHOADS, LLP
By: DAVID J. MacMAIN, ESQ.

For - Defendants West Shore Regional
Police Department, Howard Dougherty,
Chief West Shore Regional Police
Department

METTE, EVANS & WOODSIDE
By: JOHN F. YANINEK, ESQ.

For - Defendants Cumberland County and
Holy Spirit Hospital

ALSO PRESENT

Fran Charney, RN, Director Risk Management

I N D E X
WITNESS

CHARLES STERLING

Examination

By Mr. Williams

4

By Mr. MacMain

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EXHIBITS

Sterling Deposition
Exhibit Numbers

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1 ECU Seclusion Room

21

2 Restraints/Protective Devices

28

1 STIPULATION

2 It is hereby stipulated by and between
3 counsel for the respective parties that
4 sealing, certification and filing are hereby
5 waived; and all objections except as to the
6 form of the question are reserved to the time
7 of trial.

8 CHARLES STERLING, called as a witness,
9 being duly sworn, testified as follows:

10 EXAMINATION

11 BY MR. WILLIAMS:

12 Q. Mr. Sterling, we've just met. And as you now
13 know, I represent the family of Ryan Schorr and
14 the claim that's been made against Holy Spirit
15 and some other people and organizations arising
16 from his death. Have you given a deposition
17 before?

18 A. No, I haven't.

19 Q. All right. Well then, I'll just give you--
20 I'll torture you with a few ground rules, but I
21 don't think you'll have any problem.
22 Obviously, your testimony today is under oath.
23 Do you understand that?

24 A. Yes, I do.

25 Q. I'm going to and the other lawyers will also

Exam./Williams - Sterling

5

1 have an opportunity to ask you some questions
2 that we think are relevant about these claims
3 and this situation.

4 The court reporter is taking down the
5 record of it. And so obviously, we want that
6 record to be as accurate as possible, which
7 means we'd like to be able to rely on an idea
8 that you had given answers to questions that
9 you understand and have heard and answers that
10 you mean to give. Do you understand that?

11 A. Yes, I do.

12 Q. So all that really means is if for some reason
13 you don't understand one of my questions, if
14 you'd let me know that I'll correct the
15 situation. Is that okay?

16 A. Okay.

17 Q. Another important rule you've followed very
18 well so far, which is to give all of your
19 answers in words, not gestures or nods like you
20 might give if we were just talking to each
21 other. And that's because the court reporter
22 needs to take down the record. Okay?

23 A. Right.

24 Q. And as hard as it may be sometimes because
25 lawyers are so long-winded, try to let me

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6

1 finish my question before you start your
2 answer. Is that okay?

3 A. Yes.

4 Q. The deposition is going to be short, I believe,
5 but if you want to take a break or talk to
6 counsel or just stretch your legs, let me know
7 and we'll accommodate that. Okay?

8 A. Okay.

9 Q. Now, sir, why don't you start by telling me
10 what your position at Holy Spirit Hospital is?

11 A. I'm the security manager here.

12 Q. And how long have you had that position?

13 A. For 17 years.

14 Q. Give me a synopsis of your duties as security
15 manager.

16 A. I'm in charge of the day-to-day operation of
17 the security department here at Holy Spirit
18 Hospital and on the campus, responsible for
19 staffing of the department, scheduling of the
20 security officers, policies and procedures.

21 Q. All right. Who besides security officers are
22 the types of employees in the security
23 department?

24 A. (No response)

25 Q. I mean, are there clerical people who work for

1 you, for example?

2 A. No, I don't have any clerical people.

3 Q. Is it only what I would think of as security
4 guards who work for you?

5 A. Right. Security officers, correct.

6 Q. And how many security officers are there
7 currently?

8 A. We have about 15 with our floats.

9 Q. And was that roughly the same back in November
10 of 2000?

11 A. No, it was not.

12 Q. What was the number then?

13 A. We had 11 at that time.

14 Q. Is there any particular reason for the increase
15 since then?

16 A. Last year, September 11th, that whole -- the
17 whole last year, we have increased our security
18 staff because of the situation in the world --
19 in the country.

20 Q. I understand. The next couple of questions, if
21 we can, I'd like to focus back on the time of
22 the Ryan Schorr incident, which is the November
23 2000 time frame. At that time, was there a
24 specific number of security officers who would
25 be on duty at each shift at the hospital?

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8

- 1 A. Yes.
- 2 Q. And what was that number?
- 3 A. That given day or schedules for the department?
- 4 Q. Well, let's do both. Let's start with that
- 5 given day. How many officers were, if you
- 6 know, on duty when Ryan Schorr arrived at Holy
- 7 Spirit?
- 8 A. There would be one scheduled officer on the day
- 9 shift, two on evenings, and two on nights.
- 10 Q. All right. And that was the general rule at
- 11 that time?
- 12 A. Yes, sir.
- 13 Q. And so far as the day of the Ryan Schorr
- 14 incident, to your knowledge was there any
- 15 change in that?
- 16 A. No.
- 17 Q. So I'm not even sure which-- Well, let me ask
- 18 you this. On which shift did Ryan Schorr
- 19 arrive at the Holy Spirit Hospital, do you
- 20 know?
- 21 A. The day shift.
- 22 Q. So there would have been one security officer
- 23 there?
- 24 A. Yes.
- 25 Q. And we have his identity, but can you tell me

1 who it was?

2 A. Cory Graby.

3 Q. Now, again, focusing on that particular day,
4 would Officer Graby have been assigned to a
5 particular locale in the hospital or what?

6 A. No, sir. He would have had the run of the
7 whole campus here.

8 Q. All right. Is there a place where he would
9 figuratively hang his hat? Is there a station?

10 A. He works out of the security office that was in
11 the basement, but he would be doing the whole
12 house.

13 Q. I understand. And the security office is
14 located in the basement where, in the main
15 building or where?

16 A. Yeah. Yes.

17 Q. All right. And you say he would have had the
18 run of the whole shop, so to speak. Would he
19 have specified patrol duties?

20 A. Yes. He would do patrols through the hospital.

21 Q. And what does that involve?

22 A. Checking doors, answering pagers. He wears a
23 beeper. He would answer calls as they came in
24 through the pager. And he would actually do
25 security patrols.

Exam./Williams - Sterling

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1 Q. All right. Would he do his patrols in
2 accordance with a specified schedule, like
3 rounds?

4 A. No.

5 Q. Are there checkpoints or places in the hospital
6 where he would have noted his presence?

7 A. Yes.

8 Q. How was that done?

9 A. That's done with a bar coding system. We have
10 a scanner, and we scan bar codes.

11 Q. Some sort of magnetic card?

12 A. No. It's a device -- just a bar code reader
13 like a grocery store.

14 Q. I understand. And, of course, he would also be
15 available if he were called to some special --
16 for some special need during his shift; is that
17 correct?

18 A. Yes, he would.

19 Q. Now, in your capacity as a manager, have you
20 undertaken any I'll call it an investigation of
21 what Officer Graby did with respect to Ryan
22 Schorr?

23 A. Yes.

24 Q. What have you done in that regard?

25 A. We've looked at what he did that day, you know,

1 and how he performed his duties.

2 Q. All right. Summarize for me, if you will, what
3 you found with respect to that.

4 A. To the best of my knowledge, he did everything
5 according to what he should have been doing
6 that day for security.

7 Q. And I think I understand what you're telling me
8 from an evaluation point of view. Let me ask
9 you the question a slightly different way.
10 What is your understanding of what he actually
11 did, not how he performed his duties, but what
12 he did with respect to Ryan Schorr?

13 A. What he did for that incident that day?

14 Q. Yes, sir.

15 A. Okay. How that all transpired, is that what--

16 Q. Yes. Your understanding of it.

17 A. Okay. My understanding is that Mr. Schorr was
18 brought in by the police department through the
19 emergency room and put into one of our
20 seclusion rooms in ECU.

21 Q. Let me stop you there. First of all, is it
22 your understanding that Officer Graby assisted
23 in any fashion with the placement of Ryan
24 Schorr in a seclusion room?

25 A. No, no.

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1 Q. That was done by whom?

2 A. One of the nursing staff and the two policemen.

3 Q. All right. And you might as well tell me now
4 at this point what a seclusion room is.

5 A. Seclusion room is a holding room we use for
6 patients -- psychiatric patients, detox
7 patients.

8 Q. Is it used for all psychiatric patients or only
9 ones that are characterized in a certain way?

10 A. We use that room mostly for psychiatric
11 patients when they come in for evaluation.

12 Q. All right. And it's a room that's equipped
13 with a lock as I understand it; is that
14 correct?

15 A. Yes, sir.

16 Q. Now, I interrupted you. Get back to telling me
17 what your understanding of Officer Graby's
18 activities is.

19 A. Mr. Graby was called up because they had a
20 patient in the room. The nursing staff went in
21 and evaluated him along with a doctor,
22 evaluated the patient.

23 And he was not acting out in Cory's
24 experience, you know, he wasn't acting out or
25 anything. Cory stood by. He got another call.

1 He asked the staff if he could leave because
2 the patient was not acting out. And they said
3 he could leave, so--

4 Q. Fine. Now, let me ask you this sort of
5 conceptually. When Officer Graby or any
6 security officer is called to a seclusion room
7 because a patient has been placed in there and
8 as in this case a doctor goes in to treat or
9 evaluate the patient, is there a specified
10 position where the security officer should be,
11 or what the security officer should do at that
12 stage?

13 A. The security officer just usually stands
14 outside the room and observes because of
15 confidentiality.

16 Q. All right. And do you have an understanding as
17 to what Officer Graby did in this particular
18 situation?

19 A. He stood by.

20 Q. All right. And what is the purpose of having a
21 security officer there?

22 A. They're there to assist if there is a problem
23 with a patient. If the patient has valuables,
24 you know, we take valuables and put them in the
25 safe. You know, anything that they need,

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14

1 they'll call security to help.

2 Q. All right. Is any part of the purpose of the
3 security officer to prevent elopement?

4 A. Yes, sir.

5 Q. And how is that? Explain that to me.

6 A. They're outside of the room when the patient or
7 when the staff goes inside the room to speak
8 with this patient.

9 If for some reason the patient wants to
10 leave and the staff does not want them to
11 leave, they will tell security. And security
12 will stop the patient or attempt to stop the
13 patient as best as possible.

14 Q. Understood. And I'll ask you some more general
15 questions about that a little later on, but let
16 me get back to your understanding of what
17 happened with respect to this particular
18 situation. I think you told me that Officer
19 Graby got a call to go somewhere else. Was
20 that accurate?

21 A. Yes, sir.

22 Q. And what was the nature of that call, do you
23 know?

24 A. I can't recall.

25 Q. Do you know what part of the hospital he was

1 called to?

2 A. I can't recall that either. I'm sorry.

3 Q. That's fine. You indicated that he, Officer
4 Graby, asked staff if he could respond to the
5 call, to leave the seclusion room?

6 A. Yes, he did.

7 Q. And do you know which staff he asked that
8 question of?

9 A. I'm sorry, I can't recall that either. It was
10 probably the charge nurse because that's who we
11 ask.

12 Q. All right. Who would have been the charge
13 nurse at this time, if you know?

14 A. I'm sorry.

15 Q. That's fine. When you say the charge nurse,
16 what do you mean? What is that position?

17 A. The charge nurse in the emergency room for that
18 day, she's in charge of all the nursing and
19 the staff in the emergency room.

20 Q. Understood. Now, you indicated that -- again,
21 I realize you weren't there, this is your
22 understanding -- it was your understanding that
23 Ryan Schorr was not acting out at the time that
24 Officer Graby left to go to his other call. Is
25 that accurate?

1 A. Correct.

2 Q. Let me ask you a couple questions about that.

3 First of all, where do you get that

4 understanding from, is it Officer Graby? Did

5 he tell you that Schorr wasn't acting out?

6 A. I got that from his report.

7 Q. From Graby's written report?

8 A. Right.

9 Q. Okay. And when you say "acting out", what do
10 you mean by that phrase?

11 A. I mean pacing around in the room, acting

12 abnormal, trying to get out of the room,

13 yelling, you know, acting out in the room --

14 agitated, I guess I'm trying to say.

15 Q. I think I understand that. Now, do you know

16 whether or not Officer Graby had had any

17 previous contact with Ryan Schorr before this

18 encounter on the day we've been talking about?

19 A. Before that day?

20 Q. Yes.

21 A. No, not to my knowledge I don't think.

22 Q. All right. Do you have any understanding as to

23 whether Holy Spirit Hospital in general had had

24 any prior contact with Ryan Schorr?

25 A. Yes.

1 Q. And what's your understanding?

2 A. That he had come into the hospital before for
3 psych care.

4 Q. Do you have any notion as to how many times?

5 And again, I'm not holding you to it.

6 A. No, no, no, I don't.

7 Q. I'm only asking you these questions about your
8 own understanding at this point.

9 A. Sure.

10 Q. Now, do you have an understanding as to whether
11 or not Ryan Schorr had eloped from Holy Spirit
12 before?

13 MR. YANINEK: I guess I want to have you
14 just clarify what you mean by elopement,
15 because in a sense that if a mental patient is
16 here voluntarily and he leaves, that may not be
17 considered an elopement.

18 MR. WILLIAMS: I understand.

19 BY MR. WILLIAMS:

20 Q. I guess I would ask it this way. Do you have
21 any understanding as to whether Ryan Schorr had
22 ever been to Holy Spirit before for psychiatric
23 reasons and left either against medical advice
24 or before the completion of a 302 evaluation?

25 A. No.

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18

- 1 Q. You don't have understanding either way or it's
2 your understanding that he--
- 3 A. I don't have an understanding that he left for
4 a 302 commitment.
- 5 Q. All right. Understood. Have you talked to
6 anyone about that subject other than counsel?
7 I'm not interested in conversations with
8 counsel.
- 9 A Well, my boss, Fran.
- 10 Q. Outside the presence of counsel?
- 11 A. Well, during our investigation of Ryan Schorr.
- 12 Q. All right. And what did you find out about
13 Ryan Schorr's previous contacts with Holy
14 Spirit?
- 15 A. Well, that he was a previous mental health
16 patient here.
- 17 Q. And that's all?
- 18 A. Yes.
- 19 Q. Did you develop any understanding that Ryan
20 Schorr had presented any security problems at
21 Holy Spirit before?
- 22 A. Before the incident with Cory Graby?
- 23 Q. Yes.
- 24 A. No.
- 25 Q. All right. Understood. Now, I guess this is

- 1 obvious, but I'll ask you anyway. The security
2 department provides security in the emergency
3 room of the hospital. Correct?
- 4 A. Right, that's part of our duty.
- 5 Q. Right. Including the seclusion room and rooms
6 used for the evaluation of psychiatric
7 patients?
- 8 A. Yes. That's all in the same area.
- 9 Q. Let me ask you about that first. The seclusion
10 room, I think it's been designated as Room 17,
11 in which Ryan Schorr was placed--
- 12 A. Correct.
- 13 Q. --can you tell me where that is in relation to
14 the emergency department in general?
- 15 A. Yes.
- 16 Q. Where is it?
- 17 A. That is right inside the emergency room coming
18 in through the ambulance entrance. It's right
19 inside the door.
- 20 Q. All right. And-- I think that answers my
21 question. And that's the door that there's
22 ingress and egress from?
- 23 A. Correct.
- 24 Q. Now, with respect to the security department
25 duties regarding the emergency department and

Exam./Williams - Sterling

20

1 specifically the treatment of psychiatric
2 patients in the emergency department, was
3 there, back in November of 2000, any written
4 protocols or policies in effect?

5 A. No.

6 Q. All right. And I have some understanding from
7 discovery that the hospital has provided us
8 that there was a draft seclusion room policy;
9 is that--

10 A. There was a draft, but it was not approved by
11 the hospital.

12 Q. Not approved. So it wasn't in effect? It was
13 not something that-- Well, that's a silly
14 question I was about to ask you. Let me ask
15 you, when did the written policy go into
16 effect, if it did?

17 A. The written seclusion room policy?

18 Q. Yes.

19 A. That went into effect August of this year -- or
20 July of this year, this year.

21 Q. 2002?

22 A. Yes.

23 Q. And I think I have a copy of it, let me just--

24 MR. WILLIAMS: Maybe we can mark it as
25 Sterling 1?

1 (Sterling Exhibit #1 was marked for
2 identification.)

3 MR. YANINEK: Just so you understand, that
4 was the draft. That may not be the policy
5 that's in place now. So to the extent that you
6 want to say policy--

7 MR. WILLIAMS: I understand that, and I'll
8 try to clear that up.

9 BY MR. WILLIAMS:

10 Q. I'm going to show you what we've marked as
11 Sterling 1, Mr. Sterling. And I think counsel
12 has clarified something for me, but-- First of
13 all, take whatever time you need to take a look
14 at that document.

15 I'll tell you in advance the question I'm
16 going to ask. I'm going to ask you whether
17 this is the written policy that is now in
18 effect.

19 A. It's not the written policy that's in effect,
20 no.

21 Q. Okay. This is the draft policy that was around
22 back in 2000?

23 A. Yes, it is.

24 Q. All right. Can you tell me what differences
25 there are between this and the written policy